IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

CORTEZ DARNELL WALTERS,)
Plaintiff,)
vs.) Case No. CIV-03-422-R
CORRECTION CORPORATION OF)
AMERICA; DAREN SWENSON;)
CAPTAIN STEER; SEAN SEEDENS;)
and MELINDA GUILFOYLE;)
)
Defendants.)

<u>ORDER</u>

Before the Court is the Supplemental Report and Recommendation entered by United States Magistrate Judge Valerie K. Couch. The Supplemental Report and Recommendation recommended that the Defendants' motion for summary judgment be granted, i.e., that the Defendants be granted summary judgment on the issue of whether the Plaintiff has exhausted his administrative remedies, and that the Plaintiff's action be dismissed without prejudice for failure to exhaust administrative remedies. The Supplemental Report and Recommendation further recommended that, to the extent that the Plaintiff's pleading styled "Motion for Summary Judgment in Objection Defendant Summary Judgment Plaintiff Brief in Support" may be construed as a motion for summary judgment, said motion should be denied.

The Supplemental Report and Recommendation advised the parties of their right to object thereto on or before July 20, 2005, and further advised the parties that a failure to make a timely objection would waive their right to appellate review. It appears from the Court's files and electronic records that the Plaintiff has filed no response to the Supplemental Report and

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Recommendation within the time provided. Accordingly, the Supplemental Report and

Recommendation is hereby ADOPTED in full.

The Defendants' motion for summary judgment on the issue of administrative exhaustion

is hereby GRANTED. The Plaintiff's complaint is hereby DISMISSED. To the extent that the

Plaintiff's pleading styled "Motion for Summary Judgment in Objection Defendant Summary

Judgment Plaintiff Brief in Support" may be construed as a motion for summary judgment, said

motion is hereby DENIED.

IT IS SO ORDERED this 22nd day of September, 2005.

DAVID L. RUSSELL

UNITED STATES DISTRICT JUDGE